

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 10345 OF 2013

Shri Maniyar Anil Yusuf

..Petitioner

Vs.

The Principal/Head Master

and Others

..Respondents

Mr. Rameshwar N. Gite, for the Petitioner.

Mr. Anilkumar Patil, for Respondent Nos.1 and 2.

Mrs. M. S. Bane, 'B' Panel Counsel, for Respondent Nos.4 and 5.

CORAM :- **S.C. DHARMADHIKARI &**
B.P.COLABAWALLA, JJ.
DATE :- **MARCH 24, 2017.**

P. C.:

Heard both sides. In pursuance of our earlier order, an affidavit has been filed by the Secretary of the second Respondent- Shikshan Vidya Prasarak Mandal. The Secretary has stated in the affidavit on oath that in view of the Government Resolution dated 31st December, 2002 and even today the request of the Petitioner can be considered for

appointment to the vacant post of Peon. In paragraphs 5 and 6 of the affidavit at pages 49 and 50, the deponent has stated as under:-

"5: I respectfully submit that in light of the G. R. dated 31st December, 2002 (Page Number 39), even today the request of the Petitioner can be considered for the vacant post for "Peon". At this juncture I say that there were earlier directions by the Education Department thereby saying that the post of lab attendant would lapse after the superannuation. In the said post father of the Petitioner was working. Because of the said demise of father of the Petitioner the said post has lapsed. As far as the prayer of the Petitioner to appoint him as Clerk, I humbly state that there is no vacancy for the said post, hereto annexed and marked as **"EXHIBIT A-1 COLLY,"** are the true copies of approved staff pattern from year 2011 to 2016. I respectfully submit that however there is vacancy for the post of "Peon". Subject to further Order from this Hon'ble Court and approval from concerned Education Department the Petitioner can be appointed and can be accommodated on compassionate grounds, in the said post of "Peon".

6: I do hereby state on solemn affirmation that

whatever stated in foregoing paragraphs of this Affidavit in Reply is true and correct to my own knowledge and belief and I believe the same to be true."

2 We accept these statements on oath as undertakings to this Court.

3 Mr. Anilkumar Patil on taking instructions states that appointment order would be issued within a period of two weeks from today. We accept this further statement also and coming from the Secretary of the second Respondent Mandal as undertaking to this Court.

4 Mr. Gite appearing for the Petitioner states that he is ready and willing to accept this appointment. In view of the above, Writ Petition does not survive and it is disposed off by the above consent arrangement and direction.

(B. P. COLABAWALLA, J.) (S. C. DHARMADHIKARI, J.)